

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-211219

DATE: April 12, 1983

MATTER OF: Microform, Inc.

DIGEST:

Protest concerning bidder's small business size status is not for review by GAO since by law it is matter for decision by Small Business Administration.

Microform, Inc. (MI), protests against the Defense Intelligence Agency's award of a contract to Automated Datatron, Inc. (ADI), under solicitation No. MOA908-83-Q-0412, a small business set-aside. MI contends that ADI is not a small business concern.

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Therefore, this Office does not consider size status protests. See Walsky Construction Co., B-202719, April 9, 1981, 81-1 CPD 276. Rather, under the regulations, such protests are to be filed with the contracting officer within 5 days of bid opening, for referral to the SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1) (DAC No. 76-19, July 27, 1979).

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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